

## CHAPTER 284

REVISION OF CHAPTER LEGALIZING ACTS OF NOTARIES PUBLIC AND  
ATTORNEYS IN FACT

## S. F. 130

AN ACT to amend, revise, and codify chapter four hundred sixty-one (461), code, 1939, relating to legalization of acts of notaries public, acknowledgments, and instruments executed by attorneys in fact.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Chapter four hundred sixty-one (461), Code, 1939, is  
2 amended, revised, and codified to read as follows:  
3 "The following acts and instruments are hereby legalized and de-  
4 clared to be as valid as though all defects and irregularities therein as  
5 set forth below had never existed; nothing in this section, however,  
6 shall affect pending litigation:  
7 1. Official acts performed before 1930 by notaries public during the  
8 time that they held over in office without qualifying after the expira-  
9 tion of the preceding term, if such notaries public have since qualified.  
10 2. Acknowledgments taken before 1930 by notaries public outside  
11 their jurisdiction.  
12 3. Acknowledgments taken and oaths administered by mayors  
13 under section 691, Code, 1897, or section 1216 of subsequent codes to  
14 and including the Code of 1939, in proceedings not connected with  
15 their offices.  
16 4. Acknowledgments of deeds, mortgages, school fund mortgages  
17 and contracts taken and certified before 1930 by any county auditor,  
18 deputy county auditor, or deputy clerk of the district court although  
19 such officer was not authorized to take such acknowledgments at the  
20 time they were taken.  
21 5. Acknowledgments taken and certified as provided by the Code  
22 of 1873, which were taken and certified after September 29, 1897,  
23 and prior to April 14, 1898, by officers having authority under the  
24 Code of 1873 to take and certify acknowledgments, as though such  
25 acknowledgments were taken and certified according to the provisions  
26 of the Code of 1897, and as though the officers were authorized to  
27 take and certify acknowledgments.  
28 6. Acknowledgments taken, certified, and recorded before 1930 in  
29 the proper counties, and which are defective only in the form of the  
30 certificate of the officer taking the acknowledgment or because made  
31 before an official not qualified to take such acknowledgment but who  
32 was qualified to take acknowledgments generally.  
33 7. Acknowledgments taken outside the United States before 1930  
34 by officers authorized by section 10092 to take such acknowledgments,  
35 whether or not a certificate of authenticity as provided by section  
36 10093 is attached to such instrument; and the certificate of acknowl-  
37 edgment of such officer is hereby made conclusive evidence that such  
38 officer was duly qualified to make such certificate of acknowledgment.  
39 8. Any instrument affecting real estate executed before 1930 by  
40 an attorney in fact for the grantor where a duly executed and sufficient  
41 power of attorney was on file in the county where the land was situated,  
42 although the instrument was executed and acknowledged in the form  
43 of 'A, attorney in fact for B', instead of 'B, by A, his attorney in fact';

44 or if such instrument is duly recorded and there is no record in the  
45 county where the land is situated of a power of attorney authorizing  
46 the attorney in fact to so act.

47 9. Any written instrument and the recording thereof, recorded  
48 prior to 1930 in the office of the recorder of the proper county, although  
49 there is attached to the instrument a defective certificate of acknowl-  
50 edgment."

1 SEC. 2. This act shall not affect pending litigation, nor shall it  
2 operate to revive rights or claims previously barred, nor permit an  
3 action to be brought or maintained upon any claim or cause of action  
4 which is barred by any statute which is in force prior to July 4, 1943.

Approved April 5, 1943.

## CHAPTER 285

### LEGALIZING DEFECTIVE CITY OR TOWN PLATS

S. F. 132

AN ACT to amend sections ten thousand four hundred sixteen (10416) and ten thousand four hundred seventeen (10417), code, 1939, relating to legalizing improperly signed or acknowledged plats.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section ten thousand four hundred sixteen (10416),  
2 Code, 1939, is amended as follows:

3 1. Strike from line two (2) the figures "1895" and insert in lieu  
4 thereof the figures, "1920";

5 2. Insert in line nine (9) after the word, "defective" the following,  
6 "or because of a failure to fully comply with all of the provisions of  
7 chapter 321 of the Code, 1939, or corresponding statutes of earlier  
8 codes,".

1 SEC. 2. Section ten thousand four hundred seventeen (10417),  
2 Code, 1939, is amended by striking from line four (4) the words and  
3 figures, "of the code (Code 1897)" and inserting in lieu thereof the  
4 following, "of the Code, 1897 and sections 6289 to 6299, inclusive, of  
5 subsequent codes to and including the Code, 1939,".

1 SEC. 3 Section ten thousand four hundred sixteen (10416), Code,  
2 1939, is further amended by striking all of said section following the  
3 period (.) in line twenty-eight (28), and inserting in lieu thereof the  
4 following: "After January 1, 1944, no action shall be brought to  
5 establish, enforce, or recover any right, title, interest, lien, or condition  
6 existing at the time of the platting, adverse to or against a clear, abso-  
7 lute, and unqualified title in fee simple in the owner or owners."

1 SEC. 4. This act shall not affect pending litigation, nor shall it  
2 operate to revive rights or claims previously barred, nor permit an  
3 action to be brought or maintained upon any claim or cause of action  
4 which is barred by any statute which is in force prior to July 4, 1943,  
5 nor shall it affect any action which may be brought on or before  
6 January 1, 1944.

Approved March 30th, 1943.